

Court of Appeals, State of Michigan

ORDER

Kimberly Jo Childers v Mark Cameron Herrick

Docket No. 281843

LC No. 98-005796-DM

Alton T. Davis
Presiding Judge

Patrick M. Meter

Stephen L. Borrello
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court orders that the December 13, 2006 order of the trial court is REVERSED, and the matter is REMANDED for recalculation of support. Social Security benefits paid to a child are treated like any other change in circumstances. *Jenerou v Jenerou*, 200 Mich App 265; 503 NW2d 744 (2000). A court does not have the power to retroactively modify a support order for a period in which no petition for modification is pending. MCL 552.603(2). The court erred in ordering repayment of child support received prior to defendant's petition to modify support. *Fisher v Fisher*, 276 Mich App 424; 741 NW2d 68 (2007).

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 16 2008

Date

Sandra Schultz Mengel
Chief Clerk